

CASE No.  
236

SOUTHERN DISTRICT

---

LOS ALAMOS Y AGUA CALIENTE GRANT

---

PEDRO C. CARRILLO  
CLAIMANT



MAR 14 1963

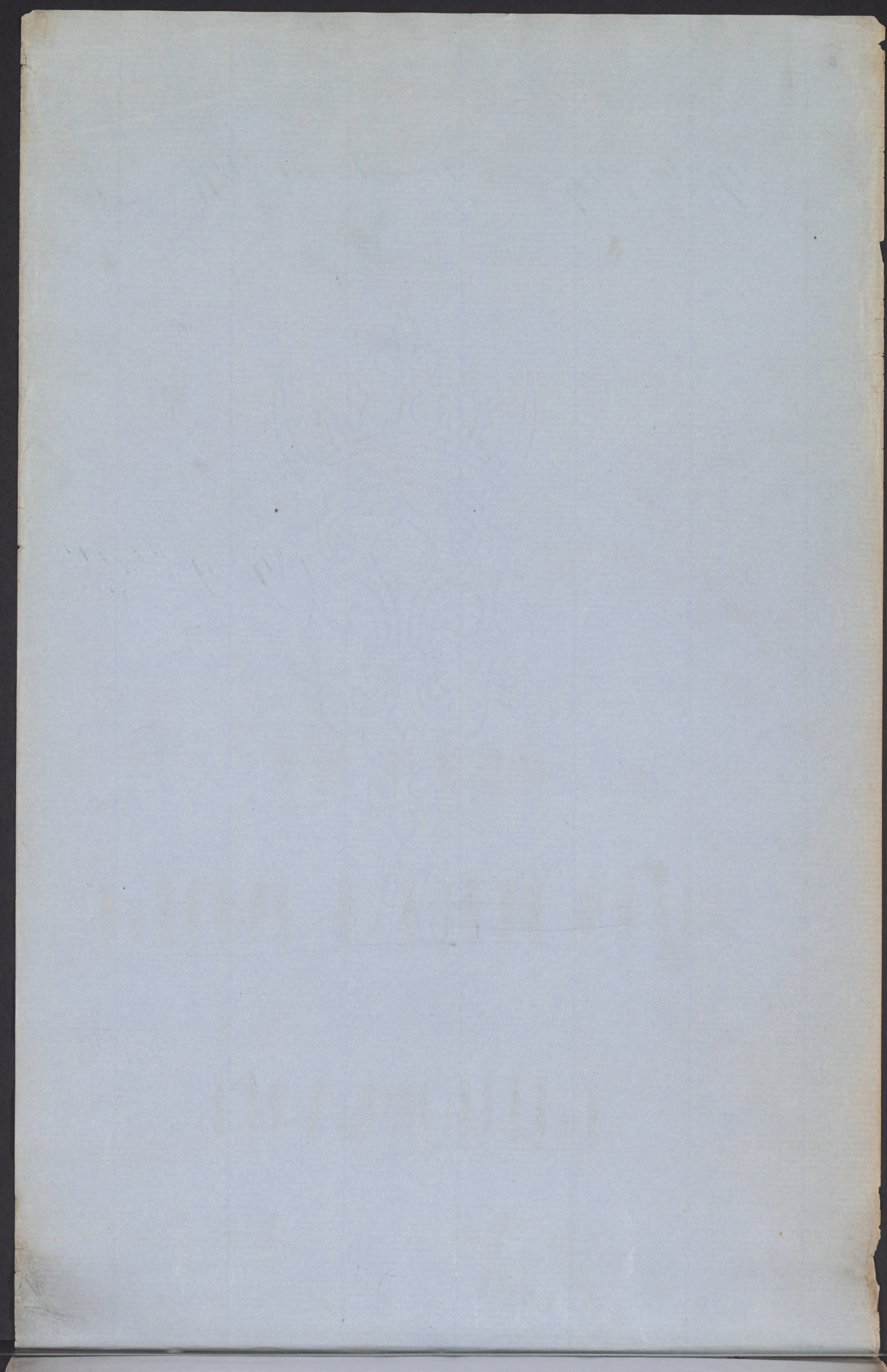
U.S.A.  
524 COLTON FIBER  
BIOLEK BOND  
Baltimore



498

No. 1000







# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 498

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*Pedro C. Carrillo*

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Los Alamos y Agua Caliente*"



FOR THE BRUCE MUSEUM

THE GREAT BRITISH MUSEUM

OF THE HISTORY OF NATURE

IN LONDON

BY ROBERT BRUCE

OF THE

MUSEUM



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *twenty fourth day of December,*  
Anno Domini One Thousand Eight Hundred and Fifty-~~two~~, before  
the Commissioners to ascertain and settle the Private Land Claims in  
the State of California, sitting as a Board in the City of San  
Francisco, in the State aforesaid, in the United States of America,  
the following Proceedings were had, to wit;

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The Petition of *Pedro C. Carrillo,*  
for the Place named  
*"Los Alamos y Agua Caliente,"*  
was presented, and ordered to be filed and docketed with No. 498 and  
is as follows, to wit;

(Vide page 3 of this Transcript.)

Upon which Petition the following subsequent Proceedings were  
had in their chronological order, to wit;

San Francisco, February 3<sup>d</sup> 1853.

In Case no. 498, Pedro C. Carrillo for the place named  
"Los Alamos y Agua Caliente," the deposition of W<sup>m</sup> C.  
P. Martne, a witness in behalf of the claimant,  
taken before Commissioner Wilana Hall, with document  
marked W. H. no. 1, annexed thereto, was filed;

(Vide page 4 of this Transcript.)

San Francisco September 23<sup>d</sup> 1853.

Case no. 498, called; on motion of the counsel for  
the claimant, ordered to the foot of the Docket.

San Francisco September 19<sup>th</sup> 1854.

Case no. 498, on motion of the counsel for the  
claimant with the consent of the U. S. Law  
Agent, was ordered to the foot of the 2<sup>d</sup> class  
cases on the Trial Docket.



San Francisco Oct. 31 1854.  
 Case no. 498 was submitted under the Rule  
 of March 21<sup>st</sup> 1854.

San Francisco November 7 1854.  
 In the same case Commissioner A. Aug.  
 Thompson delivered the Opinion of the Board  
 rejecting the claim:

(Vide page 9 of this Transcript.)  
 and the following order was made, to wit:  
 (Vide page 10 of this Transcript.)

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S.



To the Honorable Commissioners to  
State Private Land Claims in California.

The petitioner <sup>señor</sup> Juan C. Carrillo respectfully  
represents,

Petition

That on the second day of  
October AD 1853 Manuel Michitorn to Gov-  
ernor of California by virtue of authority  
in him vested granted to the petitioner the  
tract of land called "Alamos y Agua  
Caliente" as described in the grant. And  
accompanying map which are submitted  
herewith marked "A" with a translation marked  
"B".

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The petitioner further represents that  
said tract has been for the last nine years and  
now is in his legal possession in virtue of the  
aforesaid grant or patent.

That he desires for confir-  
mation of title upon the original papers sub-  
mitted herewith upon the records and minutes  
in the Archives of the former Government now  
in the Charge of the Surveyor General and upon  
such other and further proofs as he may be ad-  
vised are necessary.

Wherefore he prays the  
Commissioners to California to have the aforesaid  
tract of land.

By his Attys,  
Haller, Beachy & Bullock.

Filed in Office Dec 24, 1853  
(signed) C. Fisher,  
Secy.



San Francisco July 3, 1853.

Deposition  
of  
W & P Hartnell.

On this day before Commr Heiland Keell  
Came Mr & P Hartnell a witness in behalf  
of the Claimant Juan C Capello petition No  
498 and was duly sworn his Evidence being  
given in English -

The U S Associate Law Agent was present -

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In answer to questions by Claimants Counsel  
the witness testifies as follows.

My Name is W & P Hartnell. My age is  
55 years I reside in Monterey & have lived in  
California 30 years.

I am acquainted with the  
hand writing of Manuel Micheltorina &  
Manuel Jimeno their signatures to the paper  
before me marked H. H. No 18 hereto at-  
tached are their genuine signatures -

W & P Hartnell.

Sworn to & Subscribed  
Before me  
Heiland Keell. }  
Comm. }

Filed in Office July 3, 1853.

(signed)  
Geo Fisher }  
Secy. }



Sello Segundo cuatro pesos.

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterrey en el Departamento de las Californias para el año de mil ochocientos cuarenta y tres.

Mihseltorena.

Manuel Castanares.

(Seal)

Manuel Mihseltorena General de Brigada del Ejercito Mexicano, Gobernador y Comandante General del Departamento de las Californias.

Por cuanto D. Pedro Carrillo ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de los Atayos y Agua Caliente, con los linderos que demuestra el diseño que corre en el expediente: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras, sujetandose a la aprobacion de la Junta Departamental y bajo las condiciones siguientes.

1.<sup>a</sup> Podrá cercarlo sin perjudicar las tramías caminos y servidumbres, lo disfrutará libre y esclusivo destinandole lo uso o cultivo que mas le acomode pero de un año fabricará casa y estará habitada.

2.<sup>a</sup> Solicitara del Juez respectivo que le otorgue la posesion Jurisdica en virtud de este despacho por el cual se demarcaran los linderos en cuyos límites pondrá a suas de sus moyones algunos arboles frutales o silvestres de alguna utilidad.

3.<sup>a</sup> El terreno de que se hace donacion es de la estension que demuestran el diseño que corre apegado en el expediente respectivo. El Juez que otorgue la posesion lo hará medir conforme a ordenanza quedandole el sobrante que resulte a la Nacion para los usos convenientes.

4.<sup>a</sup> Si contraviniere a estas condiciones perderá su derecho al terreno y sera denunciado por otro.

En consecuencia cuando que servirlo de titulo el presente y teniendose por firme y valido se tome raron de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterrey a dos de Octubre de mil ochocientos cuarenta y tres.

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H. N. No.



6  
Manuel Micheltoarena. Francisco Jimeno. Srío.

Queoda tomada enon de esta concecion en el libro  
respectivo. a fojas. 1<sup>a</sup>. Jimeno.

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*There follows a map of the land.*

Filed in Office. Dec. 24.<sup>th</sup> 1852

Geo. Fisher.

Secy.



7  
Stamp Second, From Dallas.

Provisionally authorized by the Maritime  
Custom House of Monterey in the Depart-  
ment of the Californias for the years one thousand  
Eight Hundred and forty three -  
(3rd) Michettorno -  
(4th) Manuel Castaneras.

B  
Translation  
of  
Title

map 16

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That Manuel Michettorno General of  
Brigade of the Mexican Army Governor  
& Commanding General of the Department of  
Californias -

Thomas Don Pedro Carrillo has for his  
own personal benefit and that of his family  
petitioned for the land known by the name of  
Las Alamos y Agua Caliente, with the Condena  
rio shown in the map which goes with the  
Expediente the proper measures and examina-  
tions being previously made, as required by  
laws and regulations using the powers which  
are conferred on me in the name of the Mexican  
Nation I have granted him the aforesaid  
land declaring to him the ownership of it by  
these presents, subject to the approval of  
the Most Excellent Departmental Assembly  
and to the following conditions -

1st - He may Enclose it without prejudice to  
the crossing roads and servitudes he will En-  
joy it freely and exclusively making such  
use or cultivation of it as may best suit him  
but within one year he shall build a house  
and it shall be inhabited -

2d - He shall ask the proper Magistrate  
to give him the Judicial possession in virtue  
of this patent by whom the Condenarios will be



marked out in the limits of which he will  
place some fruit or forest trees of a useful  
character -

3<sup>d</sup>. The land of which donation  
is made is of the extent shown in the map  
which goes in the respective Expediente -

The Magistrate who may give  
the possession will cause it to be measured  
in conformity with the ordinance leaving the  
surplus which may result to the Nation for its  
Crownment use.

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4<sup>th</sup>. If he contravene these Conditions he will  
lose his right to the land and it will be liable  
to denoucement by another person -

In consequence I order that  
this present serving him for a title and being  
held as firm and valid. Note be made of it in  
the respective book and it be delivered to the  
person intrusted for his security and other purposes.

Given in Buntingy on the  
second of October one thousand eight  
hundred and forty three -

(Signed) Manuel Michthorina -

(Signed) Manuel Amuno  
Secretary

Note has been made of this grant in the proper  
book on folio 1.

(Signed) Amuno

Filed in Office Decr 24. 1853

(Signed) Don Pedro Sney -



Pedro C. Casillo }  
The United States } "Las Alamos  
y Agua Caliente"

Opinion,  
by  
Comm.  
Thompson.

This case like the one in which  
the opinion of the Board has just been read  
is unsustained by any evidence except the  
original grant and an authenticated map  
which is attached to it -

The claim according to the  
decisions of the Commission resting only in  
equity proof of the performance of the condi-  
tions of the grant is essential to give it  
validity -

No testimony having been adduced  
on this point the prayer of the petitioners for a  
confirmation must be denied.

Filed in Office Nov. 4. 1857.

(signed)  
Geo. Fisher  
Secy

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Decree.

Pedro C. Casillo }  
The United States } "Las Alamos  
y Agua Caliente"

In this case on hearing the  
proofs and allegations it is adjudged by the  
Commission that the claim of the petitioners is  
not valid -

It is therefore decreed that his ap-  
plication for a confirmation thereof be denied.

Alphus Beck }  
R. Aug. Thompson }  
S. D. Farwell }  
Comm.



Filed in Office Nov 1. 1854.  
 & signed by  
 Wm Fisher  
 Secy.

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And it appearing to the satisfaction  
 of the Board that the said  
 adjudicator's situation in the  
 Southern District of California  
 is such that the transcripts  
 of the proceedings and of the decision  
 in this case and of the papers and  
 evidence upon which the same are  
 founded be read and only  
 certified by the said  
 Board of the said District Court for  
 the Southern District of California  
 and the said transcripts to  
 the City Clerk of the U.S.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims in the State of California.

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I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
preceding *Ten* pages, numbered from  
to *10*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *498* on the Docket of the said Board,  
in favor of

*Pedro L. Carrillo*

Claimant against the United States, for the place known by  
the name of *Los Alamos y Agua Caliente*.

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Twenty fifth* day of *May*  
A. D. *1857*, and of the Independence of the  
United States of America the seventy=*ninth*.

*Geo. Fisher*  
*Geo. Fisher*



U. S. DISTRICT COURT,  
*Southern* District of California.

No. 236. *Doc* 236

THE UNITED STATES,

236

*Pedro C. Curillo.*

*"Los Alamos y Agua Caliente."*

TRANSCRIPT OF THE RECORD 236

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *448.*

Filed, *June 6th* 185 *5.*

*J. E. fan.*  
*clerk.*

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Office of the Attorney General of the United States,

Washington, June 13<sup>th</sup> 1855.

498 Los Alamos y Agua Caliente  
Pedro C. Carrillo, claimant.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 9<sup>th</sup> day of April 1855 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Very Respectfully,

*Clayton*

Attorney General.



No. 236,

U. S. District Court  
Southern Dist. of Cal.

United States

v.

Pedro C. Canillo.

Writ of Habeas Corpus  
in Case no. 498

Filed July 21<sup>st</sup> 1853,  
C. E. Kern  
Clerk  
By A. H. Clark  
Deputy

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In the United States District Court, for the Southern District of California

Pedro C. Carrillo

Appellant

vs

The United States

Appellee.

Case No 236

Transcript No 498.

"Los Alamos y Agua Caliente"

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Appeal from the decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, taken on the 5<sup>th</sup> day of June, 1853, by the said Board having filed with the Clerk of the above Court a Certified Transcript of their proceedings and decision and of the papers and evidence upon which the same are founded, in said cause being No 498 upon the Docket of said Board.

Notice is hereby given that Pedro C. Carrillo, Appellant in the above entitled cause, and Claimant before said Board in a claim for a tract of land called "Los Alamos y Agua Caliente", and situate in the Southern District of California, filed before said Board on the 24<sup>th</sup> day of December, 1852, and being on its Docket No 498 - will prosecute the appeal herein from the final decision of said Board entered November 7<sup>th</sup> 1854. against said Claimant & Appellant -

J R Grott

Attorney for Appellant



Case No 236  
U. S. Dist. Court. South<sup>th</sup>  
Dist. of California -

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Pedro C. Carrillo  
Appellant

By  
The United States  
Appraiser -

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Notice of Appeal.

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Filed Oct 30<sup>th</sup> 1855

C. E. Jones  
Clerk.

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J. R. Scott, App<sup>ts</sup> - Atty



In the United States District Court, for the Southern District of California -

Pedro C. Carrillo

236 SD Appellant

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The United States  
Appellees

Case No 236.

Manuscript No 498 -  
"Los Alamos y Agua Caliente"

On motion of Jonathan R. Scott, Counsel  
for Appellant, it is by the Court

Ordered,

That further testimony in the  
above entitled cause may be taken by either  
party.



Case No 236.  
U.S. Dist Court, South  
District, California

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Pedro C. Carrillo  
Appellant

By  
The United States  
Appellates.

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Order for further testimony

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Filed Oct. 24 1888  
By J. W. Runyon  
For P. C. Carrillo



United States District Court  
Southern District of California

Pedro C Carrillo  
Appellant

No 236 J C

U  
The United States  
Appellee

Los Alamos y Agua Caliente  
No 498 Land Commission

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J. P. Scott Esq  
Atty for Appellant  
Sir

You will take notice  
that on the 7<sup>th</sup> Inst a motion  
was filed in said Court on behalf  
of the appellee to dismiss the above  
entitled cause from the docket for  
want of prosecution - and that by  
order of the Court the same will be  
heard on Thursday 20<sup>th</sup> of Jan'y 1859

J. P. Mitchell  
U S Disty Atty

U S Atty Office  
Dec 16<sup>th</sup> 1858



I served a copy of the within notice personally  
on S. R. Scott by giving him a copy of the  
same on Dec<sup>r</sup> 17<sup>th</sup> - 1858 in the City of Los Angeles

James C. Fenwick  
U. S. Marshal for the  
South<sup>th</sup> Dist<sup>ct</sup> of California

No 236

U. S. Dist Court  
Southern Dist of California

John C. Fenwick

vs  
appellant

The United States

Notice of Motion to dismiss

filed Dec 18, 1858,

J. James John

by J. J. Johnson,

Attor<sup>y</sup>



In the District Court of the United States in and for the Southern District of California.

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Pedro C. Carrillo Case No. 236.

Appellant }  
By The United States } "Los Alamos y  
Appellee. } Agua Caliente."  
Manuscript 498.

To

The Honorable Isaac S. K. Ogier,  
United States District Judge, for  
the Southern District of California,

The Petition of the above named Appellant, Pedro C. Carrillo, respectfully represents unto Your Honor, That he claims as owner a certain tract of land, known as "Los Alamos y Agua Caliente", under and by virtue of a Grant thereof made to him by Manuel Micheltorena, as Governor of the Department of the California, of date October 2<sup>nd</sup> 1843. That said lands are situate in the present County of Los Angeles, in the Southern District of California and within



the ~~Southern~~ District of jurisdiction of Your Honorable Court.

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That on the 24<sup>th</sup> December 1832, he filed his petition claiming said lands and praying for a confirmation thereof, to which Petition and to the evidence filed in support thereof, before the United States Board of Land Commissioners to ascertain and settle the private land claims in California, while sitting as a Board, Appellant hereby refers for a further description of said lands;

That hereafter, on the 7<sup>th</sup> day of November 1834, the said Board entered its final decision rejecting the said claim of the Petitioner and adjudging the same to be invalid.

That hereafter on the 5<sup>th</sup> day of June 1835, an appeal was taken from said decision of said Board to your Honorable Court, by the Secretary of said Board filing in the office of the Clerk of said Court a certified Transcript of the Proceedings and decision of said Board in said case, and of the Papers and



Evidence upon which said Decision was founded, which Transcript Petitioner hereby refers to and prays to make the same a part of this his Petition.

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That hereafter, Your Petitioner on the 23<sup>d</sup> of October 1855, and within six months after the filing of said Transcript, filed in the office of said Clerk, a notice of his intention to prosecute the said appeal.

And now Your Petitioner, averring that his claim to said lands is good and valid, and that said Decision of said Board is erroneous and should be set aside, prays that the Proceedings of said Board in the premises may be reviewed by Your Honorable Court, and their decision in all things reversed, and that the claim of Your Petitioner to said lands may be decreed to be valid and the said lands confirmed to him, and further prays for costs herein expended, and such other and further or general relief as shall be agreeable to Equity and good Conscience or the nature of the case may require - And, as in duty



bound etc.

Coate & Lauder  
Attorneys Atty

I hereby certify that I sewed the within  
Petition on J. B. Gitchell United States  
Attorney by giving him personally a copy  
of the same on Jan<sup>ry</sup> 24<sup>th</sup> 1859 in the City of  
Los Angeles  
James C. Pennie  
U.S. Marshal

Case No 236

U.S. Dist Court.

South & Dist California

James C. Cannillo  
Appellant

by

The United States  
Attorneys

Petition for Review

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Filed for filing 1/24/59  
J. C. Pennie  
U.S. Marshal

Coate & Lauder







No 236

Pedro P. Carrillo

ad

The United States

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Answer

Filed January 7, 1859.  
W. Sims, Clerk  
for W. W. Stetson  
D. P. S.

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J. R. Mitchell  
attn



U. S. District Court  
Southern District of  
California

no  
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Pedro C. Corrallo  
vs <sup>appelt</sup>

The United States

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Now on this day comes  
the United States by J. R. Mitchell  
United States District Attorney, and  
the appellant failing to appear  
either in person or by attorney

On Motion of J. R. Mitchell  
United States District Attorney it  
is ordered adjudged and decreed that  
the decree of the U. S. Board of  
Land Commissioners in this cause  
be affirmed and the same held as  
a final decree, and that this cause  
be and the same is hereby dismissed  
for want of prosecution

Wm. K. Quinn  
U. S. District Judge  
Southern District of Cal



No 236

W. & Bir Court

Pedro Carrillo

Secy of Binisat

Filed in office  
this 10<sup>th</sup> 1860  
August C. Lous  
ck